

## REMARKS

### **Summary of Interview**

Applicant thanks Examiners Heffington and Pesin for the time and insights they provided in an interview conducted at the Examiners' office on 6 March 2012. In addition to Mr. Heffington and Mr. Pesin, the interview was attended by inventor G. Klassen, Applicant's internal patent counsel D. Flores, and Applicant's undersigned attorney.

Claim 52 was discussed. It was agreed, subject to confirmatory review of the cited references and any further searching the Examiner might deem appropriate, that claim 52 as presented is patentably distinct from the cited art.

### **Final Action**

As noted in the Examiner's summary of interview, the Examiner suggested filing of this after-final amendment to make Applicant's arguments of record. Applicant thanks the Examiner for the recommendation.

### **Status of Claims; Withdrawal of Claims 76 – 84 and 94 -111**

Claims 52 – 57, 64 – 84, and 94 - 111 are pending in the application. Claims 58 – 63 and 85 - 93 were previously cancelled, without prejudice and without disclaimer of subject matter.

In view of the understanding reached during the interview of 6 March, and in the interest of advancing allowance of claims 52 – 57 and 64 - 75, Applicant hereby withdraws claims 76 – 84 and 94 -111 from examination. Applicant withdraws such claims without prejudice, and expressly reserves an intention of pursuing such claims in another application, or at a later point in prosecution of this application.

Applicant notes, for the Examiner's information, that the claims presented herein correspond to claims allowed in a corresponding Japanese application (serial number provided in table below).

### **Disclaimer of Prior Statements and Amendments**

The claims, as presented herein, may be broader in some respects than claims previously presented. Applicant intends that the claims now pending be interpreted under the ordinary interpretation understood in the art. Accordingly Applicant expressly rescinds, and no longer intends that the claims be limited by, any and all assertions, statements, arguments, amendments or other actions previously made in this application, and/or any application whose file history is appropriate for use in interpreting any patent issuing on this application, that might be taken to be a surrender or disclaimer of any subject matter from the scope of any claim. No such assertion, statement, argument, amendment, or other action should be taken as a surrender or disclaimer from, and may not be used to interpret, any claim of this application, or any claim of any patent to which such applications' file histories may be pertinent.

Applicant intends, and expressly requests, that the Application be presented and examined *de novo*. Accordingly, Applicant urges the Examiner to make a thorough and diligent search of the prior art with respect to each and every claim presented herein. Applicant requests that the Examiner reconsider any previous surrender, disclaimer or characterization of claims, and that he reconsider any prior art that may have been avoided or intended to be avoided by such surrender, disclaimer or characterization.

### **Rejections under 35 USC § 103**

At pages 6 – 11 of the Detailed Action the Examiner has rejected claims 52-75 as obvious over Wagner (US 2004/0155908) in view of Canfield (US 2004/0056893).

Applicant respectfully traverses. As agreed during the interview of 6 March 2011, subject to further search by the Examiner and confirmation of his understanding of the cited references, the prior art fails to teach or suggest at least the feature, recited by each of those claims, of visually modifying a displayed icon to include a character

representing a count of a plurality of different messaging correspondents from whom messages have been received.

The cited references are concerned with either

- a raw count of new messages, without regard to the number or identity(ies) of correspondents from whom the messages have been received, and optionally remain unread; or
- a number of concurrent, ongoing, or new instant message sessions, or conversations.

As discussed during the 6 March interview, counting either a total number of unread messages or a number of conversations does not, for example, enable a user to track the number of correspondents from whom the user has received unread messages. By tracking a number of correspondents, rather than a number of messages or conversations, a device presents different information to a user. For example, a single correspondent might either (a) send a plurality of messages to the user, or (b) start and stop a number of conversations, without affecting the number of distinct correspondents from whom the user has received unread messages. The following example illustrates one such difference:

Conversation (i.e., session)	Correspondent	Total Messages	Read Messages	Unread Messages	Conversation Status
1	A	4	4	0	Old (contains only read messages)
2	B	4	2	2	Old (contains read and unread messages)
3	C	4	3	1	Old (contains read and unread messages)
4	D	1	0	1	New (contains only unread messages)

5	E	2	0	2	New (contains only unread messages)
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Number of new / unread messages (as taught by Wagner): 6

Number of concurrent conversations/sessions (as taught by Canfield): 5

Number of new conversations/sessions (as taught by Canfield): 2

Number of correspondents w/ unread messages (as claimed by Applicant): 4

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As explained during the 6 March interview, a user of a communications device can make significantly different, and in many circumstances more efficient, use of a communications application by tracking a number of correspondents from whom the user has received new messages than by counting all new messages or numbers of conversations.

Applicant's claimed methods, devices, and programming media provide elegantly inventive improvements for users of communications devices, particularly in the handheld or other mobile context.

Applicant notes that both Wagner and Canfield qualify as prior art against the application herein, if at all, solely under 35 USC 102(e). While Applicant submits that the claims as presented distinguish Wagner and Canfield on their merits, Applicant respectfully and expressly reserves all right to establish prior invention in order to establish that neither Wagner nor Canfield is valid prior art against this application or the claims presented herein.

Applicant respectfully requests reconsideration and allowance of the claims.

**Claims 76-111: rejections under 35 USC §§ 102 and 103**

At pages 11 - 19 of the Detailed Action the Examiner has rejected claims 76-111 as anticipated by Wagner, or obvious over Wagner (US 2004/0155908) in view of Canfield (US 2004/0056893).

Applicant respectfully submits that withdrawal of the claims moots the rejection and requests reconsideration and allowance of the claims presented.

### **Status of Related Applications**

The following US, foreign, and international patent applications are or may be considered to be related to the application herein. Relevant documents pertaining to such cases are being provided or have been provided in one or more separately-filed Information Disclosure Statements. The status of such applications, as currently understood by Applicant, is summarized in order to ensure that the Office is fully apprised of the current state thereof. In the event the Office has any questions about the identified cases, the Examiner is requested to call Applicant's representative at the number below.

Applicant respectfully reminds the Examiner that the claims herein correspond to claims allowed in the Japanese application. Relevant documents have previously been provided via Information Disclosure Statement.

Serial No.	Country	Status
13/358,737	U.S.	Pending (PPH based on allowed CA 2732050)
2006-541762	Japan	Granted (Patent No. 4651623)
0871404	Rep of Korea	Granted
200480039930.2	China	Registered
200810099973.X	China	Registered
3113/DELP/2006	India	Pending – in examination
04713831.8	EPO	Closed - divisionals filed
08168419.3	EPO	Pending – oral proceedings
10177958.5	EPO	Pending - search report received
10177959.3	EPO	Pending - search report received
07100038.7	Hong Kong	Pending – awaiting allowance in EPO
200603555-4	Singapore	Pending – awaiting allowance in US or EPO
200804162.6	Singapore	Pending – In examination
2,548,598	Canada	Pending – in examination
2,732,050	Canada	Allowed
2,727,763	Canada	Pending - in examination
CA2004/000263	PCT	Expired (NPE entered as above)

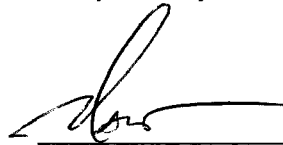
**CONCLUSION**

Applicant believes that it has responded to each ground of rejection raised by the Examiner, and that for at least the reasons cited above the claims, as presented, are in condition for immediate allowance. Applicant respectfully requests reconsideration and immediate allowance of the claims.

Applicant believes that no fees other than a two-month extension of time are due in connection with the filing of this paper. In the event that the office determines that any further fee is due, Appellant requests that such fee be charged to its Deposit Account No. 195113.

Applicant is concerned to advance this application as quickly as is reasonably possible. Accordingly, Applicant respectfully reiterates its request that, in the event the Examiner has any further questions about this application, the Examiner call Applicant's attorney at the number provided below.

Respectfully submitted,



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